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C O N F I D E N T I A L SECTION 01 OF 02 JERUSALEM 002183

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NEA FOR FRONT OFFICE. NSC FOR ABRAMS/SINGH/WATERS

E.O. 12958: DECL: 08/22/2017
TAGS: [KWBG](#) [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [KPAL](#) [IS](#)
SUBJECT: PM FAYYAD REQUESTS USG INTERVENTION ON DEMOLITION
OF BEIT HANINA BUILDING

REF: A. JERUSALEM 02154

[1](#)B. JERUSALEM 01717

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

[1](#)1. (C) Summary. PA PM Salam Fayyad requested USG intervention to prevent demolition of an East Jerusalem apartment building in a phone conversation with the Consul General on October 19. The developer and his attorney claim that they had obtained the necessary permits from the Municipality, but they were subsequently revoked. A last minute appeal to the Israeli courts has stayed the demolition until October 24. Municipal officials told the Consul General and PolOff that this demolition is a legal matter, but that they would look into delaying the demolition further. End Summary.

FAYYAD REQUESTS USG INTERVENTION

[1](#)2. (C) PM Salam Fayyad called the Consul General on October 19 to ask that the USG intervene to prevent demolition of an apartment building in Beit Hanina, an East Jerusalem neighborhood. The building was developed and constructed by Majid Abu Ayshah, who lives on the first two floors, and consists of five apartments plus a parking garage in the basement. The four upper level apartments are each privately owned. Fayyad's advisor on Jerusalem affairs Hatim Abd al-Qadr told PolOff that this demolition would punish the owners who have not been involved in the dispute between the developer and the Municipality. (Note: Fayyad lives in Beit Hanina, not far from the building in question. End Note.)

PERMIT APPROVED, THEN REVOKED

[1](#)3. (C) The developer, Majid Abu Ayshah, told PolOff during a visit to the building on October 22 that he obtained a building permit in 2003 before building the apartments. During construction, Abu Ayshah said, he requested an increase in the size of the building from 500 square meters to over 1000 square meters. The Local Council approved the increase and Abu Ayshah continued construction while awaiting approval from the Regional Council. The building was completed in 2004, Abu Ayshah said, and he received approval from the Regional Council in 2006. Abu Ayshah said he had approval for the building as it currently stands, despite legal complications, and produced Hebrew copies of the permit and approvals for PolOff.

[1](#)4. (C) According to Abu Ayshah's lawyer, Mufid al-Hajj, complications arose when Yossi Havalio, the Municipality's Legal Advisor, intervened with the Regional Council to issue a retraction of the approval. Al-Hajj pointed out that this

is the first instance he knows of in which a municipal legal advisor interfered in a Regional Council decision. He also said that the legally-mandated period for objecting to the construction had closed before Havalio became involved. Al-Hajj gave PolOff a Hebrew copy of the retraction order.

15. (C) Several sources -- including al-Hajj, Municipality official Mordechay Levy, and a local Consulate employee who interacts regularly with the Municipality -- told PolOff in separate conversations that Havalio has been at loggerheads with Mayor Lupolianski since Havalio's appointment by the Israeli Attorney General. Al-Hajj and Levy said separately that each believes Havalio's call for the demolition of this building is part of a personal conflict with Lupolianski.

16. (C) According to al-Hajj, Israeli courts rejected appeals in this case and the Jerusalem Municipality issued orders on October 18 to demolish the four-story apartment building as early as October 21. Families inhabiting the building were ordered to evacuate. A subsequent appeal to the Israeli Courts resulted in a stay in the demolition order until October 24. Abu Ayshah's community rallied around him. Neighbors printed signs and staged a sit-in at the building in protest of the pending demolition.

MUNICIPALITY WILL TRY TO STALL DEMOLITION
AT CONSUL GENERAL'S REQUEST

17. (C) In a conversation on October 22, the Consul General discussed the demolition order with Elad Halevy, Political Advisor to Lupolianski. The Consul General informed Halevy that the USG is raising this issue with the GoI as a political matter. The Consul General asked that the Municipality delay implementation of the demolition order.

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Halevy responded that the Municipality cannot overturn a court order, but said he would discuss delaying the demolition with Mayor Lupolianski.

18. (C) Mordechay Levy, Advisor to Mayor Lupolianski, told PolOff on October 21 that the demolition of illegally constructed buildings is necessary in order to enforce municipal regulations and control the development of the city. This particular demolition, he said, is a juridical demolition, ordered by the courts, and therefore will be extremely difficult to stop. (Note: The Mayor has the power to stop only administrative demolitions, which only require his signature. End note.)

WALLES